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Assistant Commissioner for Patents  
Washington, D.C. 20231

PATENT  
Attorney Docket No.: 018781-005810US  
Client Ref. No.: T00-008-1

On July 12, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Jennifer K. Hardin

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

POWERS et al.

Application No.: 09/828,270

Filed: April 5, 2001

For: NS5B HCV POLYMERASE  
INHIBITORS

Art Unit: 1626

Examiner: Gerstl, R.

PRELIMINARY AMENDMENT and  
RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the restriction requirement mailed June 14, 2002,  
Applicants elect to prosecute Group II, claims 9-50 drawn to compounds classified in  
class 548, subclass 183. Applicants further elect Compound 20 (see Figure 2B) in  
accordance with the Office's requirement under 35 USC §121.

IN THE CLAIMS:

Please cancel claims 1-8 and 51-54 without prejudice toward pursuing the  
cancelled (and non-elected) subject matter in a subsequent continuation or divisional  
application. Please amend claims 46 and 47 to read as follows.

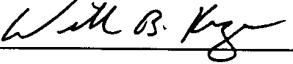
Please type a plus sign (+) inside this box → +

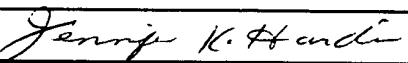
16708  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>		
Total Number of Pages in This Submission	7	Application Number 09/828,270
		Filing Date April 5, 2001
		First Named Inventor Powers, Jay
		Group Art Unit 1626
		Examiner Name Gerstl, R.
		Attorney Docket Number 018781-005810US

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ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Preliminary Amendment/Restriction Requirement <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <small>(for an Application)</small> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <small>(Appeal Notice, Brief, Reply Brief)</small> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <small>(please identify below):</small> Return Postcard Request for Amendment to Delete Inventors
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm and Individual name	Townsend and Townsend and Crew LLP William B. Kezer Reg. No. 37,369	
Signature		
Date	July 12, 2002	

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:		
July 12, 2002		
Typed or printed name	Jennifer K. Hardin	
Signature		Date
	July 12, 2002	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

WC 9043744 v1

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# FEE TRANSMITTAL

## for FY 2002

Patent fees are subject to annual revision.



Applicant claims small entity status. See 37 CFR 1.12.

TOTAL AMOUNT OF PAYMENT (\$)

130

Complete if Known

Application Number

09/828,270

Filing Date

April 5, 2001

First Named Inventor

Powers, Jay

Examiner Name

Gerstl, R.

Group Art Unit

1626

Attorney Docket No.

018781-005810US

## METHOD OF PAYMENT (check all that apply)

 Check     Credit Card     MoneyOrder     Other     None
 Deposit Account:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below     Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity

Small Entity

Fee Code

Fee (\$)

Fee Code

Fee (\$)

## Fee Description

## Fee Paid

101	740	201	370	Utility filing fee	
106	300	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

## SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims

Independent Claims

Multiple Dependent

Extra Claims

Fee from below

X

=

X

=

X

=

Large Entity

Small Entity

Fee Code

Fee (\$)

Fee Description

103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

## SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity

Small Entity

Fee Code

Fee (\$)

Fee Code

Fee (\$)

## Fee Description

Fee Paid

105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive – unavoidable
141	1,280	241	640	Petition to revive – unintentional
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Petitions related to provisional applications
126	180	126	180	Submission of Information Disclosure Stmt
581	40	581	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application
Other fee (specify) _____				Amendment and Petition to Delete Inventors under 37 CFR 1.48(b)
				130

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$130)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

William B. Kezer

Registration No. (Attorney/Agent)

37,369

Telephone

925-472-5000

Signature

*William B. Kezer*

Date

July 12, 2002

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